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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/712,345 | 11/14/2003 | John A. Krause | 46047 | 1168 |
| 1609 | 7590 | 06/04/2004 | | |
| ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036 | | | EXAMINER | VORTMAN, ANATOLY |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2835 | |

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/712,345 | KRAUSE ET AL. | |
| | Examiner | Art Unit | |
| | Anatoly Vortman | 2835 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 4-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Amendment

1. By amendment filed on 04/30/2004 the Applicant had amended claims 1 and 4 and had added new claims 5-7. Claims 2 and 3 had been cancelled. Thus, claims 1 and 4-7 are pending in the instant application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/5,237,482 to Osterhout et al., (Osterhout) in view of US/5, 406, 033 to Pazdirek (IDS document).

Regarding claims 1, 4, and 5, Osterhout disclosed (Fig. 1) a mounting bracket (21) for mounting a high voltage surge arrester (1) to a power distribution system, comprising: a main body having a first end securable to the high voltage surge arrester (1) and an opposite second end securable to a bracket (22) of a power distribution system and a plurality of laterally extending weathersheds (not numbered) located between said first and second ends, said second

end including a fastening hole that receives a fastener (23) for attaching said second end to the power distribution system bracket (22), and said main body being formed of polymer plastic blend, but did not disclose that said mounting bracket (21) has an inner fiberglass rigid rod disposed within said mounting bracket and extending substantially entire length thereof, wherein the mounting bracket and the rigid rod are having aligned mounting holes for receiving a fastener.

Pazdirek disclosed (Fig. 1-3) an insulating support mounting bracket (30, 40) having a single unitary rigid inner fiberglass (column 5, line 44) rod (24, 26) disposed within said insulating support mounting bracket (30, 40) and extending substantially entire length thereof for improving mechanical properties of said mounting bracket (Pazdirek, column 1, lines 36+), wherein said insulating support mounting bracket (30, 40) and the inner rigid fiberglass rod (24, 26) are having aligned mounting holes (12) for receiving a fastener.

Since inventions of Osterhout and Pazdirek are from the same field of endeavor (supports and insulators for high voltage devices), the purpose of the inner rigid rod disclosed by Pazdirek would be recognized in the invention of Osterhout.

It would have been obvious to a person of ordinary skill in the high voltage devices art at the time the invention was made to provide said support mounting bracket portion (21) of Osterhout with inner rigid fiberglass rod as taught by Pazdirek, in order to augment the mechanical properties of the Osterhout bracket and to enhance the resilience of the bracket to stressing forces.

Regarding claim 6, Osterhout disclosed (Fig. 1) a body portion (18) having a substantially cylindrical wall with opposing first and second ends forming an inner cavity therebetween extending laterally from said first end of said main body.

Regarding claim 7, Osterhout disclosed that the body portion (18) and the bracket portion (21) are a one-piece unitary member (they are fastened to each other by a threaded stud (10)).

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

The main thrust of the Applicant's arguments is directed to claim 1 and characterized by the Applicant's assertion that: "Pazdirek patent does not disclose a separate inner fiberglass rod in a bracket. Instead, the Pazdirek patent discloses enclosing an insulator body formed of fiberglass strands. A combination of the Osterhout patent and the Pazdirek patent would therefore result in the Osterhout patent mounting bracket 21 being formed entirely of fiberglass strands. Consequently, the combination of the Osterhout patent and the Pazdirek patent would not teach the claimed invention, particularly a rigid rod disposed within the main body of a bracket. Moreover, neither the Osterhout patent nor the Pazdirek patent teaches aligning fastener holes of a bracket and an inner rod for receiving a fastener, as recited by amended claim 1" (p. 5 of the amendment).

The Examiner believes that in the rejection above, it had been clearly shown that Pazdirek reference reads on the claim. The Examiner would like to reiterate that Pazdirek disclosed an insulating support mounting bracket (Fig. 1-3) having a single unitary rigid inner

fiberglass (column 5, line 44) rod (24, 26) disposed within said insulating support mounting bracket (30, 40) and extending substantially entire length thereof for improving mechanical properties of said mounting bracket (Pazdirek, column 1, lines 36+), wherein said insulating support mounting bracket and the inner rigid fiberglass rod (24, 26) are having aligned mounting holes (12) for receiving a fastener. Thus, contrary to the Applicant's position, said mounting bracket of Pazdirek is not entirely formed of the fiberglass strands, since the fiberglass strands form only the inner rigid rod (24, 26) disposed within the insulating support mounting bracket (30, 40).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 571-272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV



Anatoly Vortman
Primary Examiner
Art Unit 2835